

Defects	Injury	Damage	Serious damage
Scale or Scale Marks.	When more than one large scale or scale mark or more than three scales or scale marks of any size are present.	When the aggregate area exceeds that of a circle $\frac{1}{4}$ inch (6.4 mm) in diameter.	When the aggregate area exceeds that of a circle $\frac{3}{8}$ inch (9.5 mm) in diameter.
Insects .....	When feeding injury is evident on fruit or any insect is present in fruit.	When feeding injury materially detracts from appearance or any insect is present in fruit.	When feeding injury seriously detracts from appearance or any insect is present in fruit.

Classification of defects guidelines are based on fruit 2 inches or smaller in diameter. Accordingly, *larger fruit* are permitted to have defects relative to their size.

#### § 51.2341 Sample size for grade determination.

For fruit place-packed in tray pack containers, the sample shall consist of the contents of the individual container. For fruit jumble-packed in volume filled containers, the sample shall consist of at least 50 fruit. When individual containers contain at least 50 fruit, each individual sample is drawn from one container. When individual containers contain less than 50 fruit, a sufficient number of adjoining containers are opened to form a 50 fruit sample.

[50 FR 40186, Oct. 2, 1985; 50 FR 40961, Oct. 8, 1985; 51 FR 4293, Feb. 4, 1986]

#### Subpart—United States Standards for Grades of Pistachio Nuts in the Shell

SOURCE: 51 FR 27814, Aug. 4, 1986, unless otherwise noted.

#### § 51.2540 General.

(a) Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

(b) These standards are applicable to pistachio nuts in the shell which may be in a natural, dyed, raw, roasted, or salted state; or in any combination thereof. However, nuts of obviously dissimilar forms shall not be commingled.

#### § 51.2541 U.S. Fancy, U.S. Extra No. 1, U.S. No. 1 And U.S. Select Grades.

“U.S. Fancy,” “U.S. Extra No. 1,” “U.S. No. 1,” and “U.S. Select” consists of pistachio nuts in the shell which meet the following requirements:

- (a) Basic requirements:
  - (1) Free from:
    - (i) Foreign material;

- (ii) Loose kernels;
  - (iii) Shell pieces;
  - (iv) Particles and dust; and,
  - (v) Blanks.
- (b) Shells:
  - (1) Free from:
    - (i) Non-split shells; and,
    - (ii) Shells not split on suture.
  - (2) Free from damage by:
    - (i) Adhering hull material;
    - (ii) Light stained;
    - (iii) Dark stained; and,
    - (iv) Other External (shell) defects.
- (c) Kernels:
  - (1) Well dried, or, very well dried when specified in connection with the grade.
  - (2) Free from damage by:
    - (i) Immature kernels;
    - (ii) Kernel spotting; and,
    - (iii) Other Internal (kernel) defects.
  - (3) Free from serious damage by:
    - (i) Minor insect or vertebrate injury;
    - (ii) Insect damage;
    - (iii) Mold;
    - (iv) Rancidity;
    - (v) Decay; and,
    - (vi) Other Internal (kernel) defects.
  - (d) The nuts are of a size not less than  $\frac{3}{64}$  inch in diameter as measured by a round hole screen.
  - (e) For tolerances, see § 51.2544.

[68 FR 50682, Aug. 22, 2003]

#### § 51.2542 U.S. Artificially Opened.

“U.S. Artificially Opened” consists of artificially opened pistachio nuts in the shell which meet the following requirements:

- (a) Basic Requirements:
  - (1) Free from:
    - (i) Foreign material;
    - (ii) Loose kernels;
    - (iii) Shell pieces;
    - (iv) Particles and dust; and,
    - (v) Blanks.
  - (b) Shells:
    - (1) Free from: